

ACTION MINUTES OF THE SAINT PAUL CITY COUNCIL Wednesday, December 19, 2007 - 3:30 p.m.

PUBLIC HEARINGS - 5:30 P.M.

CITY COUNCIL CHAMBERS, 3RD FLOOR City Hall and Court House 15 West Kellogg Boulevard

Mary Erickson - 651-266-8565 Office of the City Council

Present – 7 – Benanav, Bostrom, Harris, Helgen, Lantry, Montgomery, Thune Absent – 0

CONSENT AGENDA (Items 1 - 30)

NOTE: ALL ITEMS LISTED UNDER CONSENT AGENDA WILL BE ENACTED BY ONE MOTION. THERE WILL BE NO SEPARATE DISCUSSION OF THESE ITEMS. IF DISCUSSION IS DESIRED BY A COUNCILMEMBER, THAT ITEM WILL BE REMOVED FROM THE CONSENT AGENDA AND CONSIDERED SEPARATELY.

COMMUNICATIONS AND ADMINISTRATIVE ORDERS

1. Claims of Dawit G. Gebrmichel, Nathan G. Hopeman, Manuel M. Martinez, Jane H. Moeckel, Tyler Lambert-Perkins, and Anthony Thao.

Referred to Risk Management

- 2. Summons and Complaint in the matter of Lorenzo M. Lopez vs. the City of Saint Paul. **Referred to the City Attorney's Office**
- 3. Letter from the Department of Public Works/Technical Services announcing a public hearing before the City Council on January 2, 2008 to consider the petition of Told Development to vacate alley rights in the Lexington, Randolph, and Juno Avenue block in order to consolidate property for redevelopment.
- 4. Letter from the Department of Safety and Inspections/Code Enforcement declaring 595 Sims Avenue as nuisance property. (For notification purposes only; a public hearing will be scheduled at a later date if necessary.)
- 5. Administrative Order:

D002689 Approving expenditure of funds, not to exceed \$1,500.00, to Saint Thomas University, 2115 Summit Avenue, for expenses for the Saint Paul Police Department Academy Graduation on December 20, 2007.

On file with the City Clerk

FOR ACTION

6. Approval of minutes of October 24 and November 7, 2007.

Adopted Yeas - 7 Nays - 0

7. Resolution – 07-1162 – Approving the January 1, 2008 through December 31, 2010 Collective Bargaining Agreement between the City of Saint Paul and AFSCME – Legal, Local 3757. (Laid over from December 12 for adoption) (GS 3046595)

Adopted Yeas - 7 Nays - 0

8. Resolution – 07-1196 – Memorializing City Council action taken December 5, 2007 granting the application of Abway LLC (ABRA Auto Body) for Interim Use to continue auto body repair business at 1190 University Avenue West (between Lexington Avenue and Griggs Street). [ZF 07-184-825] (GS 3047251)

Adopted Yeas - 7 Nays - 0

9. Resolution – 07-1197 – Memorializing City Council action taken December 5, 2007, approving the application of NWM HI94 LLC for a Combined Plat for Flannery Addition to create two (2) industrial parcels at 389 Hamline Avenue North (northwest corner at St. Anthony Avenue). [ZF 07-076-549] (GS3047135)

Adopted Yeas - 7 Nays - 0

10. Resolution – 07-1198 – Accepting a grant in the amount of \$8,000.00 from the Saint Paul Foundation/Lowertown Future fund for the Indoor Farmers Market building sign. (GS 3046656)

Adopted Yeas - 7 Nays - 0

11. Resolution – 07-1199 – Authorizing the Division of Parks and Recreation to increase the 2007 revenue and spending budgets to reflect grant proceeds received in the amount of \$25,000.00 from the State of Minnesota, Department of Education, for the City's After School Enrichment Program. (GS 3047232)

Adopted Yeas - 7 Nays - 0

12. Resolution – 07-1200 – Authorizing a spending and financing plan in the Division of Parks and Recreation for additional budgets in Funds 370, 380, and 391. (GS 3047231)

Adopted Yeas – 7 Navs – 0

13. Resolution – 07-1201 – Authorizing the Division of Parks and Recreation to participate in 2008 events at Como Park Zoo and Conservatory sponsored by Lancer Hospitality and Como Zoo and Conservatory Society. (GS 3047134)

Adopted Yeas - 7 Nays - 0

14. Resolution – 07-1202 – Establishing additional spending and financing in the Department of Financial Services to reflect the issuance of the Sales Tax Revenue Bonds, Series 2007 A and B. (GS 3047310)

Adopted Yeas - 7 Nays - 0

15. Resolution – 07-1203 – Approving the 2007 year-end budget adjustment. (GS 3047290) **Substitute introduced and adopted Yeas – 7 Nays – 0**

16. Resolution – 07-1204 - Establishing a 2007 financing and spending plan for police services provided at the 2007 Taste of Minnesota. (GS 3047032)

Adopted Yeas - 7 Nays - 0

17. Resolution – 07-1205 – Authorizing the Police Department to enter into a Joint Powers Agreement with the United States Marshal Service for participation in the East Metro Fugitive Task Force. (GS 3046470)

Adopted Yeas - 7 Nays - 0

18. Resolution – 07-1206 – Authorizing the Police Department to accept a donation from Target in the amount of \$300,000 to be used to purchase, install, maintain, and promote camera surveillance along the Central Corridor. (GS 3046412)

Adopted Yeas - 7 Nays - 0

19. Resolution – 07-1207 – Authorizing the Police Department to enter into an agreement with the United State Department of Justice, Organized Crime Drug Enforcement Task Force. (GS 3046290)

Adopted Yeas - 7 Nays - 0

20. Resolution – 07-1208 – Authorizing the Police Department to enter into an agreement with the Minnesota Department of Public Safety for a Night Cap Grant from October 1, 2007 through December 31, 2007. (GS 3046653)

Adopted Yeas - 7 Nays - 0

21. Resolution – 07-1209 – Authorizing the Police Department to accept a grant from the State of Minnesota to be used to make squad car camera technology upgrades or acquisitions. (GS 3046592)

Adopted Yeas - 7 Nays - 0

22. Resolution – 07-1210 – Authorizing the Police Department to enter into an agreement with Camp Ripley for the use of the United States Army's advanced training facility at Camp Ripley, Fort Ripley, Minnesota from December 2, 2007 through December 7, 2007 for the Saint Paul Police Academy Class 2007-2 training. (GS 3046473)

Adopted Yeas - 7 Nays - 0

23. Resolution – 07-1211 – Establishing a 2007 financing and spending plan in the Police Department for a surplus over the original budget revenue for the Minnesota Agricultural Society (State Fair). (GS 3046390)

Adopted Yeas - 7 Nays - 0

24. Resolution – 07-1212 – Authorizing the release of a utility easement on the property at 455 Phalen Boulevard. (GS 3046251)

Adopted Yeas - 7 Nays - 0

25. Resolution – 07-1213 – Amending the financing and spending plan of the Lighting Maintenance Assessment Districts Fund for 2007. (GS 3046890)

Adopted Yeas - 7 Nays - 0

26. Resolution – 07-1214 – Amending the financing and spending plan of the Right-of-Way Maintenance fund for 2007. (GS 3047050)

Withdrawn

27. Resolution – 07-1215 – Amending the 2007 budget for Right-of-Way activities. (GS 3047314)

Withdrawn

28. Resolution – 07-1216 – Amending the spending and financing plans of the 2007 Sewer Rehabilitation and 2007 Major Sewer Repair projects by transferring previous year balances. (GS 3044250)

Adopted Yeas - 7 Nays - 0

29. Resolution – 07-1217 – Amending the spending and financing plans of the 2007 Railroad Crossing Safety Improvement Program by transferring previous year balances. (GS 3044255)

Adopted Yeas - 7 Nays - 0

30. Preliminary Order – 07-1218- In the matter of improving Selby Avenue from Kent Street to Arundel Street by constructing a new bituminous surfaced street with concrete curb and gutter, pedestrian ramps, concrete driveway aprons and outwalks, boulevards landscaped with sod and trees, and a new above standard twin-arm lantern-style street lighting system, and In the Matter of the operation costs for the above standard street lighting system for 2008 for the above project, and setting date of public hearing for February 6, 2008. [File No. 19050] (GS 3044665)

 $Adopted \qquad Yeas-7 \qquad Nays-0$

FOR DISCUSSION

31. Resolution – 07-1242 – Honoring Michael F. Driscoll for his 35 years of dedicated public service to the City of Saint Paul. (GS 3047233)

Adopted Yeas - 7 Nays - 0

32. Final Order – 07-1151 – In the matter of acquiring property rights needed for right-of-way purposes for the public purpose of realigning the intersection of Cleveland Avenue and St. Paul Avenue. [File No. AE2007-10] (Public hearing held and laid over from December 5) (GS 3046100)

Laid over to December 26 Yeas – 7 Nays – 0

33. Resolution – 07-1192 – Designating Proposed Changes in Policies and Reporting, and other Council issues, from the 2008 Dollar List. (Laid over from December 12) (GS 3047330)

Adopted Yeas -7 Nays -0

ORDINANCES

NOTE: AN ORDINANCE IS A CITY LAW ENACTED BY THE CITY COUNCIL. IT IS READ AT FOUR SEPARATE COUNCIL MEETINGS AND BECOMES EFFECTIVE AFTER PASSAGE BY THE COUNCIL AND 30 DAYS AFTER PUBLICATION IN THE SAINT PAUL LEGAL LEDGER.

34. Second Reading – 07-1193 – An ordinance amending Chapter 409.21 of the Saint Paul Legislative Code to allow sales of gambling equipment within a leased premise by an employee of the lessor from a common area where food and beverages are sold. (GS 3047030)

Laid over to January 2 for third reading/public hearing

35. Second Reading – 07-1195 – An ordinance amending Section 409.15 of the Saint Paul Legislative Code by deleting on-sale wine license fee amounts and referring to Chapter 310. (GS 3047051)

Laid over to January 2 for third reading/public hearing

PUBLIC HEARINGS

36. Third Reading – 07-1026 – An ordinance amending Chapter 64 of the Saint Paul Legislative Code to ban new roof signs. (Laid over from November 7 for third reading) (GS 3045535)

Laid over to December 26 for final adoption

37. Third Reading – 07-1027 – An ordinance amending Chapter 64 of the Saint Paul Legislative Code pertaining to roof signs by adding new language regulating the orientation and design appearance of roof signs. (Laid over from November 7 for third reading) (GS 3045537)

Substitute introduced and laid over to December 26 for final adoption

(Councilmember Bostrom left the meeting at this time)

38. Third Reading – 07-1147 – An ordinance amending Chapter 198 of the Saint Paul Legislative Code to ban ownership of the seven subspecies of the marsupial, Petaurus Breviceps, commonly referred to as "sugar gliders." (Substitute resolution introduced on December 12) (GS 3046572)

Laid over to December 26 for final adoption

39. Third Reading – 07-1148 – An ordinance amending Chapter 65.774 of the Saint Paul Legislative Code, Malt Liquor Manufacturing, by permitting the use in the B2 Community Business District and permitting the sale of malt liquor at retail on the site where it is manufactured; and amending the use table in Chapter 66.421 adding malt liquor manufacturing as a permitted use in Table 66.421. (GS 3046775)

Third Reading/Public Hearing continued to January 2, 2008 Yeas – 6 Nays – 0

40. Resolution – 07-1219 1110 – Approving the petition of the Church of Saint James to vacate and re-dedicate north/south alley rights in the Randolph Avenue/View Street block in order to slightly reconfigure the property playground equipment. (Public hearing continued from December 5) (GS 3045830)

Substitute introduced and adopted Yeas – 6 Nays – 0

41. Resolution – 07-1220 – Approving adverse action against all licenses held by ALIS, Inc. d/b/a ALIS, Inc., 43 Seventh Street West. (GS 3046453)

Withdrawn

42. Public hearing to consider the appeal of David Roering, owner, to a decision of the Heritage Preservation Commission conditionally approving construction of a four-stall garage, provided two front yard curb cuts and driveways be removed, at 615-617 Holly Avenue, Hill Historic District. [File No. 08-014]

Motion of Intent – Appeal Granted

Yeas - 6 Nays - 0

Resolution – 07-1156 – Ordering the owner to remove or repair the building at 610 43. Magnolia Avenue East within fifteen (15) days from adoption of resolution. (Public hearing continued from December 12) (GS 3045132) (Legislative Hearing Officer's recommendation is forthcoming) Substitute introduced and adopted Yeas - 6 Navs - 0

44. Resolution – 07-1221 – Ordering the owner to remove the building(s) at 705 Bidwell Street within fifteen (15) days from adoption of resolution. (GS 3045591) (Legislative **Hearing Officer recommends approval**)

Adopted Yeas - 6 Navs - 0

45. Resolution – 07-1222 – Ordering the owner to remove the building(s) at 674 Blair Avenue within fifteen (15) days from adoption of resolution. (GS 3045594) (Legislative **Hearing Officer recommends approval**) Navs - 0

Adopted Yeas - 6

46. Resolution – 07-1223 – Ordering the owner to remove the building(s) at 858 Burr Street within fifteen (15) days from adoption of resolution. (GS 3045592) (Legislative **Hearing Officer recommends approval**) Adopted as amended (Remove within five (5) days)

Yeas – 6 Nays - 0

47. Resolution – 07-1224 – Ordering the owner to remove or repair the building(s) at 729 Curfew Street within fifteen (15) days from adoption of resolution. (GS 3045596) (Legislative Hearing Officer's recommendation is forthcoming) Adopted as amended (180 days granted to remove or repair, per the recommendation of the Legislative Hearing Officer) Yeas – 6 Nays - 0

48. Resolution – 07-1225 – Ordering the owner to remove the building(s) at <u>543 Edmund</u> Avenue within fifteen (15) days from adoption of resolution. (GS 3045595) (Legislative **Hearing Officer recommends approval**) Adopted as amended (Remove with five (5) days)

Yeas - 6 Navs - 0 49. Resolution – 07-1226 – Ordering the owner to remove or repair the building(s) at <u>447 Fry Street</u> within fifteen (15) days from adoption of resolution. (GS 3047150) (**Legislative Hearing Officer recommends laying over to the February 12 Legislative Hearing and February 20 City Council public hearing)**

Laid over to February 20 for continuation of the public hearing Yeas-6 Nays -0

50. Resolution – 07-1227 – Ordering the owner to remove or repair the building(s) at <u>449 Fry Street</u> within ninety (90) days from adoption of resolution. (GS 3047151) (**Legislative Hearing Officer recommends approval**)

Adopted Yeas – 6 Nays – 0

51. Resolution – 07-1228 – Ordering the owner to remove or repair the building(s) at <u>1587</u>
<u>Huron Street</u> within one hundred-eighty (180) days from adoption of resolution. (GS 3045593) (**Legislative Hearing Officer recommends approval**)

Adopted Yeas – 6 Navs – 0

Suspension Items:

Resolution – 07-1219 – Recognizing Larry Lueth on his retirement after 38 years of service to the City of Saint Paul.

Adopted Yeas – 7 Nays – 0

Resolution – 07-1229 – Recognizing John Saumweber on his retirement after more than 35 years of service to the City of Saint Paul

 $Adopted \qquad Yeas-7 \qquad Nays-0$

Resolution – 07-1230 – Recognizing Gary Peltier on his retirement after 38 years of service to the City of Saint Paul.

Adopted Yeas - 7 Nays - 0

Resolution – 07-1231 – Recognizing Tim Nelson, departing City Hall reporter for the Pioneer Press, for his many years of service.

Adopted

Yeas – 4 Nays – 2 (Benanav, Montgomery); Abstention – 1 (Bostrom)

Resolution -07-1240 – Recognizing Councilmember Jay Benanav for his many years of dedicated service to the citizens of Ward 4 and the City of Saint Paul.

Adopted Yeas - 7 Nays - 0

Resolution – 07-1241 – Amending the Right of Way Maintenance Fund 2007 budget to provide for up to \$3,232,915 in appropriation from fund balance financing.

Adopted Yeas - 7 Nays - 0

Councilmember Montgomery, Renee Tyler, Legislative Aide to Councilmember Montgomery, Councilmember Benanav, and Jane Prince, Legislative Aide to Councilmember Montgomery were recognized for their years of service to the City of Saint Paul.

Council Meeting Information

Web

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Cable

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